C482 No. 115 of 2002

Hon'ble Irshad Hussain, J.

Heard.

This is a petition under section 482 of the Code of Criminal Procedure (hereinafter referred to as the Code) against the impugned order dated 05.07.2001 by which the final report submitted by the investigating officer was accepted.

It was pointed out by the learned applicant's counsel that the notice was not duly served on the complainant and that he had not been given opportunity to protest against the submission of the final report. To support the contention, attention was drawn to the copy of the order-sheet (paper no.21). The order is dated 15.05.2001 and it and the petitioner had not cared to file a revision before the Sessions Judge under section 397 of the Code.

Under the circumstances it will not be just and proper to relegate to the initial stage to see whether the complainant-petition will have sufficient ground against the submission of the final report by the investigating officer in the case. Considering the totality of the circumstances of the case, I see no cogent reason to admit this application and dismiss it accordingly.

(Irshad Hussain, J.)

29.05.2002./B.